

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
(Charlotte Division)

In re:

Joshua and Andrea Farmer

Debtors.

In re:

Raymond and Diane Farmer

Debtors.

)
)
) Chapter 11
) Case No. 10-40270
)
) **Jointly Administered**
)
) Chapter 11
) Case No. 10-40269
)

**AMENDED¹ APPELLANTS' DESIGNATION OF ITEMS
TO BE INCLUDED IN RECORD ON APPEAL AND
STATEMENT OF ISSUES PRESENTED ON APPEAL**

Appellants Joshua and Andrea Farmer and Raymond and Diane Farmer, the debtors and debtors in possession (the "Debtors"), by and through their undersigned counsel and pursuant to the provisions of Federal Rule of Bankruptcy Procedure 8006 and Local Rule 8006-1, hereby designate the following items to be included in the Record on Appeal in this matter and provide a statement of the issues presented on appeal, as follows:

CONTENTS OF RECORD ON APPEAL

<u>Docket No.</u>	<u>Docket Entry Date</u>	
45	04/28/10	Transcript for Hearing held on 4/16/10
58	04/29/10	Motion of The Palmetto Bank for a Determination that the Debtors are Subject to Various Provisions of the Bankruptcy Code Relating to Single Asset Real Estate and Those Applicable To Corporate Entities
70	05/07/10	Memorandum of The Palmetto Bank in Support of Single Asset Determination Motion
80	05/11/10	Memorandum of Law of the Debtors in Opposition to Applying the Single Asset Real Estate Rules in this Case

¹ The Appellants are filing this Amended Designation to reflect the accurate date of entry for docket number 45.

81	05/11/10	Reply Memorandum of Law of the Palmetto Bank in Support of Motion for a Determination that the Debtors are Subject to Various Provisions of the Bankruptcy Code Relating to Single Asset Real Estate and Those Applicable to Corporate Entities
104	05/28/10	Order Resolving Motion of the Palmetto Bank for a Determination that the Debtors are Subject to Various Provisions of the Bankruptcy Code Relating to Single Asset Real Estate and Those Applicable to Corporate Entities
192	8/26/10	Transcript of Hearing Held on 05/12/10
264	11/15/10	First Amended Joint Plan of Reorganization
265	11/15/10	Amended Chapter 11 Disclosure Statement Relating to Amended Joint Plan of Reorganization
282	12/08/10	Objection to Disclosure Statement filed by Land Rover Capital Group
283	12/08/10	Objection to Disclosure Statement filed by World Omni Financial Corp.
284	12/08/10	Objection to Disclosure Statement filed by Toby Tomblin and the Estate of Janet L. Tomblin
285	12/08/10	Objection to Disclosure Statement filed by The Palmetto Bank
288	12/08/10	Objection to Disclosure Statement filed by EMC Mortgage Corporation
291	12/09/10	Objection to Disclosure Statement filed by U.S. Bank National Association
292	12/09/10	Objection to Disclosure Statement filed by 1230 Overbrook Drive Holdings, LLC, CBA-Mezzanine Capital Finance, LLC
293	12/13/10	Response of the Debtors to Objection of Palmetto Bank to Joint Disclosure Statement
294	12/14/10	Reply to Debtors' Response to Objection of Palmetto Bank, N.A. to Disclosure Statement of Raymond and Diane Farmer
300	12/21/10	Transcript for Hearing held on 12/15/10
322	01/06/11	Order Denying Approval of the Debtors' First Amended Joint Disclosure Statement
339	02/01/11	Transcript for Hearing Held on 04/28/10

STATEMENT OF ISSUES PRESENTED ON APPEAL

1. Whether the Bankruptcy Court erred as a matter of law by setting aside the pre-petition transfers without any party in interest filing an adversary proceeding.
2. Whether the Debtors were deprived of due process of law because the pre-petition transfers were set aside by the Bankruptcy Court without notice and a hearing, or any evidentiary record before the Court.
3. Whether the Bankruptcy Court exceeded its authority under section 105(a) of the Bankruptcy Code by requiring the Debtors to file multiple plans of reorganization.
4. Whether the Bankruptcy Court exceeded its authority under section 105(a) of the Bankruptcy Code by requiring the Debtors to have multiple impaired classes of creditors accept a plan of reorganization in order to cramdown a plan of reorganization over the objection of a dissenting creditor.
5. Whether the Bankruptcy Court erred as a matter of law by applying the absolute priority rule in an individual chapter 11 case.

This the 9th day of February, 2011.

HAMILTON MOON STEPHENS STEELE &
MARTIN PLLC

/s/ Andrew T. Houston

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Appellants' Designation of Items to be Included in Record on Appeal and Statement of Issues Presented on Appeal was served by electronic notification on those parties registered with the United States District Court, Western District of North Carolina ECF system to receive notices for this case.

This the 4th day of February, 2011.

HAMILTON MOON STEPHENS STEELE &
MARTIN PLLC

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